

Mr. SPEAKER.—The question is :

“That the Mysore University (Second Amendment) Bill, 1961, be passed.”

*The motion was adopted.*

## THE MYSORE TOWN AND COUNTRY PLANNING BILL, 1961,

### *Motion to Consider.*

†Sri T. SUBRAMANYA (Minister for Development and Local Self-Government).—I move :

“That the Mysore Town and Country Planning Bill, 1961, be taken into consideration.”

Mr. SPEAKER.—Motion moved :

“That the Mysore Town and Country Planning Bill, 1961, be taken into consideration.”

†Sri T. SUBRAMANYA.—I am so sorry that I have to bring this Bill very hurriedly because of certain circumstances. One of the circumstances was that a Sub-Committee was appointed by the L.S.G. Minister's Conference to consider the question of a model Bill. We went into the question and the report was received very late. Three Ministers from three different States sat together, considered all aspects of the case, considered the various enactments in different countries including United Kingdom and we got afterwards an outline of the draft Bill giving certain indications on which the whole law should proceed and afterwards we got this Bill drafted though it was originally there for some time and we have to pass it during this session because provision of Rs. 2 lakhs provided in the Budget cannot be spent unless this Act is placed on the Statute. This is a very non-controversial Bill. Our towns and villages are developing hurriedly without any plan. In order to have controlled growth, I feel it is very essential that we should have a Town and Country Planning Act which applies not only to urban areas but rural areas also. It can be divided into two portions, first, physical planning, second economic planning. Physical planning will have to come first and subsequently economic planning and we have to appoint staff for this purpose. For physical planning, the office of the Director of Town Planning has to be strengthened; staff has been sanctioned and sufficient provision of money has been made. We have to get the assistance of Government of India also in this regard. Unless we place this Bill on permanent Statute, it will not be possible for the Government of India to come to our assistance. Therefore, I crave the indulgence of the Hon'ble Members of this House for not giving sufficient time to study, discuss and move amendments. They will kindly co-operate with me when I say that such a Bill should not have been brought before the House in such a great hurry. Sometime, it looks this hurry

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is indecent, but I want to submit for the kind consideration of the Members that several sections may need pruning here and there according to their ideas. I would certainly consider any amendment if I continue in office very sympathetically after the elections. Sir, Planning authority definition is a very important definition which our friends will kindly note. It says:

“Planning authority means—

(a) (i) for the City of Bangalore, the City of Bangalore Municipal Corporation;

(ii) for such other areas, adjoining the City of Bangalore as may from time to time be notified by the State Government under sub-section (2) of Section 1 of the City of Bangalore Improvement Act, 1945, the Board of Trustees for the Improvement of the City of Bangalore constituted under the said Act;

(b) for any other municipal area, the Municipal Council constituted for the area, under any law for the time being in force in such area;

(c) for a notified area, the committee appointed for such area, under any law for the time being in force;

(d) for a village declared as a panchayat town the Town Panchayat constituted for such area, under the Mysore Village Panchayats and Local Boards Act, 1959;

(e) and for other rural areas, the Taluk Board of the Taluk constituted under the Mysore Village Panchayats and Local Boards Act, 1959, within which such area is situated.”

We can divide the Bill into three portions. They prepare a map showing the purposes for which land is used at present and displayed in the Planning Authority Office and also in the Director's Office and such of those who do not agree for the present use may send in their comments and objections. They will be looked into and the map will be modified accordingly. The next stage comes when the outline development plan is prepared. The outline development plan will consist of the following items:—

“(a) a general land-use plan and zoning of land-use for residential, industrial, agricultural, recreational, educational and other public purposes;

(b) proposals for roads and highways;

(c) proposals for the reservation of land for the purposes of the Union, any State, any local authority or any other authority established by law in India;

(d) proposals for declaring certain areas as areas of special control, development in such areas being subject to such regulations as may be made in regard to building line, height of buildings, floor area ratio, architectural features and such other particulars as may be prescribed.”

This is only special area. Building line has been defined thus:

"Building Line means the line up to which the plinth of a building adjoining a street may lawfully extend and includes the lines prescribed, if any, in any scheme."

The third stage comes when a comprehensive development plan is prepared. This is an outline plan. The Planning Authority is required to do it within two years. If the Local authority does not do it within the prescribed time, the Government have power to have the plan prepared and the Planning Authority shall accept it. Section 19 deals with comprehensive Plan of the entire area. The plan shall include proposals for the following namely:

"(a) comprehensive zoning of land-use for the planning area together with zoning regulations....."

At present there is no zoning. When I deal with it, I have to give my heart-felt compliments to the previous administrators of the State who some times even without the aid of town planning have built up towns on a planned basis and regular development has taken place in several places. So, we are grateful to them. The Comprehensive Development Plan further includes:

"(b) complete street pattern, indicating major and minor roads, National and State high ways, any traffic circulation pattern, for meeting immediate and future requirements:

(c) areas reserved for agriculture, parks, playgrounds and other recreational uses, public open spaces, public buildings and institutions and areas reserved for such other purposes as may be expedient for new civic development;

(d) major road improvements;

(e) areas for new housing;

(f) new areas earmarked for future development and expansion; and

(g) the stages by which the plan is to be carried out."

A comprehensive Development Plan has to include all those things. Then how it has to be implemented is also indicated in the Bill. Now, subsequent to that, there is what is called Town Planning scheme. One or two schemes for particular area the municipality or the local authority is bound to take up and according to the plan prepared, the development of the town shall take place. Now the other sections of the Act are only for the purpose of implementation, contravention and its liabilities. Then appeals are provided. Now one other point I would like to bring to the notice of the Hon'ble Members is that whenever a particular land is being used for a particular purpose, after the preparation of the comprehensive plan or town planning scheme, if that land cannot be used for the purpose, then the owner of the land has a right to offer for sale to the Planning Authority and the Planning Authority is bound to

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purchase it at a particular rate and the calculation of the rate has also been provided. This will help for the proper growth of urban and rural areas. And the rate has also been fixed. This will help all proper growth of urban and rural areas. There is another section to which I would like to draw the attention of the Hon'ble Members. Provision for appeals have been provided for.....

Sri J. B. MALLARADHYA.—That appeal section seems to require some revision.

Sri T. SUBRAMANYA.—I am prepared to consider it. Under Section 40, we have provided appeals to the District Court. That may cause delay and there may be a number of appeals. There are two views on that point. One is because compensation, etc., The other is civil rights and parties are involved. The appeal shall go to the District Court. But I personally feel that it would be better if Government were to dispose of such appeals, as they could do it very speedily. Even if the Government is the appellate authority, the rights of the parties to go on Writ to the High Court is not taken away. It is always there. I have always said, whatever views there may be with regard to particular cases, against the discourtesy of the Executive, the High Court is the only protection. That is my view. Therefore, we may provide for appeal to lie to the Government, to the Minister concerned, so that he may send for the concerned officer, talk to him and a final decision. So far as compensation is concerned, we have to give the land, the land value. In such cases, it is likely that the Minister will view the case favourable to the Planning Authority rather than to the individual. There is that likelihood. In the Bill itself we have provided for appeal to the District Judge's Court and the District Judge may transfer it to some other Court. We may divide the case into two classes, one where compensation of civil rights are involved and the other mechanical planning. Those cases which fall within the purview of physical planning, all appeals may be provided to Government. The other class of appeals may be provided to District Court. That is first reaction of mine after having heard Mr. Mallaradhyia. Therefore, we may think of amending the section subsequently. But at present, if this is accepted, it would be easy for us to implement it even before the general elections. The necessary staff has been sanctioned, the necessary money is made available, and naturally we have to place all that under a permanent statute of the State. This non-controversial Bill is meant for the proper development of the country. With these words, I commend the Bill for the very favourable considerations of the Hon'ble Members of this House.

Mr. SPEAKER.—Before we rise, I would like to know the mind of the Members. In all we have finished 16 Bills.

Sri G. VENKATAI GOWDA.—It is a record.



Mr. SPEAKER.—Of course, it is. I am very grateful to the Member. The present Bill which we are considering and the next Bill, both inclusive, it will be 18.

Sri J. B. MALLARADHYA.—Sir, the Government is bringing all kinds of Bills. There is a Bill, amending the Sales Tax Bill intended to be brought two years ago. It was promised on the floor of the House. It is exemption from all sales-tax tapes manufactured. I do not know why such a simple piece of legislation is kept back. When the whole House has agreed to certain exemptions to sales-tax, that Bill has not been brought. They have brought two sales-tax amending Bills. But a Bill which was agreed to be brought by the Hon'ble Finance Minister and the Chief Minister has not yet been brought forward.

Sri B. D. JATTI.—We are not bringing any Bills which are controversial. I will have a discussion with the Finance Minister, and if it is agreed to by both sides, we will have it. I will consider it.

Sri J. B. MALLARADHYA.—It is a thing which affects seven thousand workers.

Mr. SPEAKER.—We have to take now two more Bills of a small character.

Sri M. C. NARASIMHAN.—I had made a request to the Hon'ble Labour Minister that two pieces of legislation should be brought forward and he had said that he would consider.

Sri J. B. MALLARADHYA.—After these two Bills.

Sri B. L. NARAYANASWAMY.—There is another Bill the Town Municipalities Amending Bill, which is of great public interest.

Sri Y. VEERAPPA.—What about the H. M. C. Bill?

Sri B. D. JATTI.—There is no H. M. C. Bill.

Sri J. B. MALLARADHYA.—According to the order of business, the Public Accounts Committee business has to be taken up. In fact, I will give preference to the Public Accounts Committee report to be discussed than the Bill that I earlier brought to your notice. If there is time we will take up that Bill.

Mr. SPEAKER.—The Public Accounts Committee report may be taken up to-day and the discussion carried on to-morrow. I hope Members will all agree. After the consideration of the two Bills, if there is time we will take up the Public Accounts Committee Report.

Sri M. C. NARASIMHAN.—Sri Mallaradhyia may be prepared. What about others?

AN HON'BLE MEMBER.—If there is time, we will take it up to-day. My point is the Chair has not fixed a non-official day so far. It is not fair, Sir.

Mr. SPEAKER.—I am trying to use every bit of time available so that there may be some time left for non-official business.

The House now rises and will meet at 3-00 P.M.

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*The House adjourned for recess at Thirty Minutes past Twelve of the Clock and reassembled at Ten Minutes past Three of the Clock.*

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[Mr. SPEAKER in the Chair]

Sri T. SUBRAMANYA.—Sir, before my friend begins his speech, I would like to bring to the notice of the Hon'ble Members Section 72. It is better that they take note of that section. This morning, I forgot about it. The following shall be substituted, namely:

“In determining the value of the property, the market value of the land on the 1st day of November 1956.”

That is the ceiling we have fixed and that I want to bring to your notice.

† Sri J. B. MALLARADHYA.—Sir, there are no two opinions in regard to the need for the Bill of this type being included in the statute book in the State and I consider this has come none too soon before this Assembly. Sir, the Hon'ble Minister has explained the very special circumstances in which he had to bring this at a belated stage, in rather great hurry. He has himself used the word ‘indecent haste’, but I do not say all that because I agreed to discuss this bill and the business Advisory Committee has allotted time to discuss this Bill. Sir, you are aware that Mysore State has a tradition for the planned development of not merely the few selected urban areas but the rural areas also. We cannot forget on this occasion the very signal service rendered by the late Sir Mirza Ismail who was Dewan of this State for 16 years and also others who were responsible for this planned development of both the urban and the rural areas, though an Act of this kind was not there to guide and control and regulate the work on this behalf. Sir, the Bill aims at securing a balanced development in the rural and urban areas. As I said, with the tradition that Mysore has on this kind of work, it should not be difficult for Government of Mysore, whichever Ministry is in saddle, to give concrete shape to the several sections of this Bill. Sir, in this context I invite the attention of the Hon'ble Minister and the Members of this House, through you, a Master Plan for Bangalore was drawn by the Ex-Dewan Mr. Madhava Rao with whom I was associated for a long time. I do not know what has happened to that. At the appropriate time, when I deal with the sections, I will refer to this particular point. In regard to the working of this Bill, I do hope, we shall steer clear all politics. Sir, I say this with a particular purpose.

Somehow or other, it has become quite an abssession with some of our friends, whether they belong to this party or that party, to introduce politics in the administration of local bodies and in matters concerning different regions. I am thinking of a glorious future to Mysore in regard to the development of the villages and urban areas. Many of the foreign visitors who have come to this State, has gone back with an impression that here is a plan of magnificent type for the development of several regions. We want that to be kept up and if possible, to improve upon it.

Sir, I am surprised that this Bill contains the provision like Section 72. I have gone through this Bill during the short time I had at my disposal and to me this Section 72 seems retrograde and it throughly immoral to introduce this particular clause.

I have also given an amendment and if the Hon'ble Minister will agree, it is better that he deletes some of these objectionable features.

Sir, in this particular Bill as I said, I agree with every word of what has been said in the preamble, that the Government intends to create conditions favourable for planning and re-planning of the urban and rural areas. It is not necessary for me to go in detail. But suffice it to say that this is one of those preambles of the several Bills which has been very nicely drafted and which gives a correct picture of the intentions of the Government and the way in which they propose to implement the provisions of this Bill.

Sir, in this connection, I cannot fail however much people may object to my making a personal reference to the work done by one or two officers in the State. I would like to refer in this connection to Mr. B. R. Manickam who is our Director of Planning in the State. His work and services are sought after from many States in India. I am personally aware of it. I have myself recommended his services to various Governments. It is unfortunate that in respect of many schemes that have been prepared by him on account of the absence of an Act like this, many of his recommendations and many schemes that have been formulated by him, have not been implemented. In trying to extol the services of Mr. Manickam, I have no particular interest. Perhaps reached the highest place in the Department. That his services should be sought after by other State Government in India is a matter in which we can take legitimate pride. With an officer of that type I should consider that if only you give him the necessary facilities and other assistance, it should not be difficult to implement every provision of this Act.

Looking at the financial memorandum, I want to ask, is the amount provided sufficient for him to function satisfactorily? The work that has got to be done is of a stupendous nature, not merely town planning, not merely drawing outline plan, preparing a comprehensive plan at the State level. It is a very difficult matter

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assigned to him and moreover, doing this job is secondary to him. It is not his main job. His main job is that of the Chief Engineer.

Sri T. SUBRAMANYA.—He has got very efficient staff working with him.

Sri J. B. MALLARADHYA.—I personally feel that unless you give him proper assistance and proper trained and skilled personnel,—we have trained two or three people in architectural engineering—I do not know if they are still with us. One or two of them must have gone away to the Government of India. That is how we the benefit of services of officers whom we have trained in our State. I should like that this financial memorandum to have been more hopeful and if it involves additional expenditure, you should not stint it.

Sir, in regard to the Central Board contemplated under Section 4 the State Town Planning Board,—I realise the necessity for a State Planning Board of the type mentioned here. I do hope that in constituting that board you will put into that people who are competent to advice, people with wide experience of town-planning, experienced in administering municipalities, whether town municipalities or city municipalities. Further they should have a little comprehensive outlook in regard to the development of the State. This Board should not be constituted either on political pressure or political pulls as it as happened in the past.

Sir, having said this, I should like to invite the attention of the Hon'ble Minister to Clause 6 (a) (2) relating to the work to be entrusted of the Board of Trustees of Improvement in the Cities of Bangalore, and Mysore. You have said 'adjoining areas'. You have not prescribed the jurisdiction of the Trust Board. You have only said such other adjoining areas adjoining the City of Bangalore.

Sri T. SUBRAMANYA.—Now it is fixed as five miles belt. We may increase it. The present idea according to the Trust Board Act is 5 miles belt round about Bangalore City. Now we are thinking of having round about Bangalore townships. If it is necessary to enlarge the jurisdiction, we may do it. That is why it is put like that.

Sri J. B. MALLARADHYA.—What is your intention in investing the present City Improvement Trust Board the powers of the planning authority contemplated in this Bill? Is it because you do not want to contemplate a separate authority in Bangalore? In any case, so far as Mysore City is concerned, I must say that you should constitute a separate board. I need hardly say that with the establishment of Chamarajanagar-Satyamangalam Railway and with the growth of Industries in Mysore, Mysore City is bound to require more attention than the municipality there can bestow. There is therefore great need

for constituting afresh a City Improvement Trust Board in Mysore and call it as planning authority instead of the existing board.

In regard to the preparation of the outline development plan contemplated under Section 9, you are very optimistic. I know in the proviso you make provision for extension of time. Unless you prescribe an outer limit, the whole thing will go to the same way as other things. It is better to say that it shall not be extended beyond a certain period. Of course this Ministry will take credit for placing a very important and desirable measure of this kind on the statute book. But they must also lay foundations for the practical implementation of the provisions of this Bill.

I was very happy to see the explanation given in regard to the building line. But my happiness ends by seeing the explanation. Sir, it is not an unfamiliar sight when you go in the car driving from Mysore to Bangalore or in any other part of the State that this building line has never been followed. The municipalities whose business it is to issue licence for the construction of Houses, when fresh Houses come into existence, they should insist on this bulding line. They never do it. Even there, there is politics. Supposing it is a very influential person of whatever political party, he always wants to go two inches in front. Take for example the Himalaya Talkies in Bangalore. It is one of those monumental examples of the flagrant violations of the highest decisions of the highest court.

Sri T. SUBRAMANYA.—The decision of the High Court could not be executed. That is ancient history.

Sri J. B. MALLARADHYA.—But what did the present Government do? The point is, it has become almost a daily routine that even the mandates and directives of the High Court on writ petitions are not implemented. I know a case where a man has gone on writ petition seven times against the Government for not implementing the decision of the High court.

Sri T. SUBRAMANYA.—With regard to the Himalaya Talkies, probably the decision was given by the High Court years back—long before I and you entered this House.

Sri J. B. MALLARADHYA.—I was then the Revenue Secretary to Government.

Sri T. SUBRAMANYA.—Now we cannot execute the decree. It is out of time.

Sri J. B. MALLARADHYA.—Sir, in regard to this building line .....

Mr. SPEAKER.—He has already taken twenty minutes in the morning. There is no time.

Sri J. B. MALLARADHYA.—I am not speaking much Sir. This is a non-controversial Bill and it is a very beneficial Bill. We are not going to oppose it in the manner in which we have opposed the other Bills;

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because there are no politics in this. I have already congratulated the Minister.

3-30 P.M.

In regard to building line at least in some of important municipalities, towns and cities situated along the National highways State highways you must see that within their limits the provisions of this law are strictly enforced in regard to this building line.

Then I would invite the attention of the Minister to Clause 69 relating to land acquisition. Does this planning authority exercise all the Powers of an officer competent to take acquisition proceedings under the Land Acquisition Act? Does it mean that he will bypass all the existing provisions of that Statute or he only steps into the shoes of the Land Acquisition Officer?

Sri T. SUBRAMANYA.—It must be done through the Land Acquisition Officer.

Sri J. B. MALLARADHYA.—So far as Clause 72 is concerned, by mistake I sent an amendment for its deletion. You have fixed its market value on 1st day of November 1956. This is a confiscatory measure; you are passing the Bill 5 years later and you want to give it retrospective effect. This is one of the things where you should not interfere with private property. The man has got a right to get the prevailing market value even under the Land Acquisition Act. So in such matters you cannot put a fetter and interfere with judicial matters because this matter will go to a Court in appeal. I for one would not agree to give retrospective effect to this because we should follow the line of least resistance in passing Bills of this kind which are calculated to interfere with private rights and legitimate claims of people owning property. I am not pleading for any rich people who in fact will never be interfered with. It is only the poor people having thatched houses who will be affected by this provision and you want to give them the 1956 value which will work as a great hardship to them.

Coming to Clause 40 with regard to appeal, I have a fear that when once the matter goes to court it may take 4 to 5 years. But if I interfere with this scheme, then Government will say let the Minister decide. What guarantee is there that the Minister will decide within time? When it is a justifiable matter, can the executive interfere and say that it is only Government that will take a decision? Let Government come in later. How can you take away the privilege of a party to go to Court to have his grievances redressed? I saw an amendment in the name of Sri Deenadayalu Naidu. At first sight I thought I should agree with him because if you once give it to a District Judge I am sure that within the stipulated time of 5 years the matter will never be decided. I do not mind the Minister deciding it; but is it a bar to all legal proceedings after the Minister's decision? The moment

the Minister decides, the party might take it to a judicial court. So I am now in a state of two minds.

**Sri T. SUBRAMANYA.**—The appeal provided under Clause 40 relates to items (e), (f), (h), (i) (j) and (m), but it does not relate to plans and estimates. Wherever compensation is to be determined and wherever there is a judicial right to be adjudicated upon, an appeal has been provided to the district judge. Therefore though I expressed the view that we will have to divide between the other portions of the section and the portion where compensation is awarded, Clause 40 as it is drafted is good and I request that it may be retained.

**Sri J. B. MALLARADHYA.**—I am glad that the Minister has agreed to the provision as it is being retained and he respects judicial decisions. In his preliminary observations he referred to the Government of India system. What exactly is the nature of the assistance of the Government of India? Is it for the plan itself or for any scheme that may be implemented as a result of planning?

**Sri T. SUBRAMANYA.**—It is for planning. We have about Rs. 17 lakhs through the third plan. In addition to that we get assistance from the Government of India.

**Sri J. B. MALLARADHYA.**—That is a welcome feature. A large number of municipalities in the State are far too incompetent and unable to shoulder the responsibility of drawing up their plans because it costs a good lot of money. If you make the authority responsible for footing the Bill responsible for planning also, they may not at all take it up on the ground of lack of finance. A large number of them require assistance to the tune of 90 per cent for planning. If the Central Government is keen on seeing a good rural and urban administration, it must come to our rescue. I think Mysore has given the lead to the rest of India in the matter of planned development of both urban and rural areas and so we have a special claim. Where other States have to begin from the scratch, we have gone quite a long way and so we have a better claim so far as financial assistance is concerned.

Having said this I would like to commend the Bill for the acceptance of the House and hope that the Minister will see to it that this Bill is brought on the statute book before he lays down office.

†**Sri M. C. NARASIMHAN** (Kolar Gold Fields).—I generally welcome this measure. While introducing the Bill the Minister has said that this is belated and so I do not want to make any criticism on that point. All the same this should have been brought earlier. There were several representations even in the House and particularly my friend Sri Deenadayalu Naidu was always referring to this. So at least now at the tail end of this Assembly it is being brought. I have only one or two observations to make.

This Bill is intended to have planning not merely for major municipalities and towns but also for village panchayats and local bodies

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I wonder if it will really be possible to enforce this provision. This is an idealistic scheme in respect of them. The village panchayats and the taluk Boards have neither the finance needed nor will they be in a position to meet the requirements of the situation and nor do we see any other way in which the Government seeks to implement all these plans. So it will be an idealistic state of affairs if the Act could be brought into force in all its various aspects in the whole State. Possibly it will have its effect only in towns and some of the major cities. From that point of view I am not able to understand the idea of applying this law to the rural areas also. Moreover the Bill does not say that it would come into force in such areas the Government may notify from time to time. Once a notification is issued it should come for enforcement throughout the State simultaneously. Lack of resources will be a great obstacle.

There is another administrative aspect. Mr. Mallaradhy touched on this question as to whether municipalities would be really competent to enforce the provisions of developmental schemes. In practice, we have found that it is not possible. In Madras it has been in force from 1920 and I do not think they have made striking progress much in advance of Mysore. If it is left totally to the town planning authority, namely, the Municipality, I am afraid there will be a difficulty. Under the Madras Act, there was a provision for setting up of bodies like Trusts consisting normally of municipal council members and also a few other authorities nominated by the Government who could be expected to execute the schemes in a much more expeditious and efficient manner. This idea is not like the State Board but is something more. That is also not provided here.

In Clause 18 we find that if there is draft plan submitted under chapter III, if any person wants a change in it, he is allowed to have it but if the change would result in benefit to him then one-thirds of the estimated increase in value should be made over by the applicant to the town planning authority. Along with the other payments he has to make under Clause 57, it looks as though he has to pay under Clause 18 also. If that be so, I do not think it is fair.

In the Madras Town Planning Act, there was a provision for arbitration. Perhaps that could have solved problems. Clause 40 if it stands as it is would not help much.

Coming to Clause 50, it deals with the subject of compensation when the final scheme is varied or revoked and the apportionment of costs. If the scheme is varied or revoked by the Government or the town planning authority, if any person has incurred any expenditure, he will be entitled for reimbursement. So far as it goes, there is nothing objectionable. But sub-clause 2 makes a reversal. If the State Government revises the final scheme, the cost would have to be



apportioned by the planning authority or the owner shall pay to the planning authority. The circumstances under which the owner will have to pay is not mentioned. All schemes are revoked by Government and amended at the instance of the planning authority and how can it bring a liability on the owner concerned. It is not understandable at all.

So far as the cost of the scheme is concerned, it is an important provision whereby a certain amount of finance is proposed to be raised for purposes of meeting expenditure incidental to the enforcement of the scheme. This provision is actually taken from the Bombay Act. After the introduction of the scheme, it is expected that there would be an increase in the capital value or the market value of the land. This is something like the betterment levy. In Madras it is not determined on capital value but the difference in value after development and before, which would be apportioned upto 10 per cent. Under this Bill it would be one-thirds and in Bombay it is 50 per cent. This would act as a hardship so far as the rural areas are concerned because if there is to be any energetic schemes in respect of rural planning, it might work as a hardship if it is one-thirds. There is a limit in the case of the Madras Act. It should not exceed 50 per cent of the total cost of the expenditure or 50 per cent of the increase in capital value, in Madras. It is a fair proposal because I do not think that it is in the nature of a betterment levy as we have in the case of irrigation project. Development of the town or the village enures to the benefit of the entire community and is it correct to change it only to the persons whose land is accidentally situated in that area. I cannot understand the justification behind it. If it is to be in the nature of conversion fine, then the entire amount should not be taken from him.

Under Clause 57 I do not understand why Government buildings and such other buildings should be exempt. The Bangalore Corporation is having a big dispute about it. Why should Central and State Government buildings be exempted.

Coming to Clause 63, if the value of the developed plot is less than the value, then the owner pays the additional value. At the first stage it is said the owner should pay so much and at the second stage again it is said that what he paid is not sufficient and some more money is needed.

This way of calculation or this way of approach to the subject would not be very welcome and acts as a very serious hardship, especially when we are contemplating that the scheme should be in force simultaneously in rural areas as well as in urban areas.

Lastly, amendment of Sections 23 and 24 of the Land Acquisition Act. I do not know how it finds a place here because the Land Acquisition Act is there and the proceedings therein are not dispensed with so far as this is concerned. It is only as a matter of determination of compensation that these two clauses find a place in the Land Acquisition Act. One thing 'Market value on the first day of November 1956'.

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I am in favour of the market value being taken for the purpose of determining acquisition or compensation; but would it be constitutionally appropriate? According to the Law Commission Report, the date on which ought to be taken for the purpose of determining compensation is the date on which notification is issued or alternatively on the date on which the particular law comes into force; but can you go back to such date as 1956; is it valid or correct? Government has to examine as to whether it is really a correct thing to do. With these few words, I close my speech.

†Sri V. P. DHEENDAYALU NAIDU (Cubbonpet).—I consider this as a crowning legislation so far as the City of Bangalore is concerned. I have seen Hon'ble Mr. T. Subramanya moving several Bills which have been enacted now; but I think so far as the City of Bangalore is concerned, nothing can be compared to be so very significant and important as this measure. I need hardly say happily I welcome this measure for various reasons. I am sure that every citizen in Bangalore, round about Bangalore and in the State also must feel happy about this because if this legislation had come ten years back, perhaps there would not have been even any necessity for the slum clearance legislation and if this legislation were to come ten years hence, God forbid we have not done that—perhaps the position would be that Bangalore would be something like old Delhi and *basties* at Calcutta. I consider this is the reply to the statement of Panditiji who said that Bangalore is fast becoming something different from what it was, the garden city and we cannot boast of the same terms being used and I wish some of our people take note of it. Therefore, I consider that things were tending and moving towards the position in which there is absolute for a measure of this kind. No doubt Government was keen on brining about certain control over local bodies like the Corporation and the City Improvement Board. But all said and done, we could not have had such control without a legislation like the Town and Country Planning Act and any amount of controls would not produce the same results as would be obtaining by enforcing this legislation. Therefore, we are ushering in a new measure which will certainly bring about a reality, not merely just putting it on paper or words. To-day we have made a beginning to see that Bangalore is really beautiful and will continue to be beautiful and more beautiful. I say this for several reasons. There has been a little difficulty for the administration, particularly for co-ordination. There are a certain number of bye-laws and different types of bye-laws which have been enforced. I do not think there is any more room for such a disjointed activity or controls by the local bodies. Therefore, in that way, this is going to bring about greatest co-ordination in the working of the local bodies within Bangalore City and I think it is necessary in the other places also. With this end in view, the Government have brought about this new committee with Mr. Madhava Rao as the Chairman.

If the Committee were merely to come in even with whatever agency that is going to support or help them, without the Town Planning Committee, even that committee can only be a committee which can formulate certain policies. If the policies were to come practical results, even a committee headed by such a great personage as Sri Madhava Rao can only succeed with this legislation. Therefore, it has come very handy and in time so that committee also can function, taking note of this legislation.

There is one thing to which I would like to draw the attention of the Minister with regard to this legislation. In bringing about these developments, there has been one or two agencies which have not been very co-operative and in spite of this legislation also coming into being, I apprehend there may be still that lacuna existing, namely the Defence Department. More often we find right in the heart of the city a few pockets, the Central Government and the Defence Department coming and saying. "Our plans are not subject to the Government or local bodies". I will tell you we are leaving a very big lacuna which should not be permitted at any cost. Whether it is the Central Government or the Defence Department, they are all subject to town planning schemes. Let exemptions be allowed. I say this for this reason. Some of the huts distasteful and most disagreeable, which do not conform to any planning schemes, have come into being right in front of Edward Statue, what are the buildings like and right behind the Central Government Revenue buildings; do you think this is a building becoming of the Central Government or the Defence Department?

4-00 P.M.

They are coming in. We have no control and their plan is not subject to the scrutiny of either the Government or any Local Body. Such a thing should not be allowed to continue. By negotiations or whatever it is, they should be solved; otherwise, Bangalore would not be as we expect to be. The next point I would like to place before the House is, I have tabled this amendment with a definite purpose. Sir, in Calcutta this idea of referring the matter to the District Court has proved a thorough failure. It was found that the old Calcutta had developed in such a disorderly way on account of the delay caused and on account of the reference to the District Court. Therefore, there should be some expeditious way in which it should be disposed of. Sir, if we do not dispose of such things within three or four months, the scheme will be of no avail at all. A three man committee or a tribunal may be set up for this purpose. If what I have suggested is not acceptable, some other method should be thought of for quick disposals.

Sir, there is one word and I have done. Several other Local Bodies in other parts have derived the greatest advantage and benefit from the Central Government by way of grants and subsidies. For bulk acquisitions which is so vital to Bangalore, these two benefits should come in. Bulk acquisitions is a most important thing. You cannot go

(SRI V. P. DEENADAYALU NAIDU)

on acquiring as you go on developing. By piece-meal arrangement, that cannot be done. Therefore, the Central Government has realised and badly also, that we must have sufficient area to acquire and reserve for future development. With this sort of a developmental plan for the City and quite a large amount that have been set up for the Master Plan and bulk acquisition. I am sure we will be making head way to build beautiful Bangalore. Sir, at Delhi there is a body called CRUPO. The object of my referring to this body is, through the credit goes to it, most of the persons giving Master Plan and Plans for town development schemes throughout India are people of Mysore. They have gone there and the loss of Mysore is a gain to others. We can certainly create another CRUPO here also in a smaller way. Sir, Mr. Narasimhan need not have apprehension about the exemptions that are sought to be given for Mysore Government buildings or Government of India buildings. No doubt at a certain stage we felt and even now we feel that the Local Bodies must have their due share. What has happened in this case is. Government of India who are prepared to pay the assessment or whatever it is, that is due to Government has kept back due to Government of Mysore not giving that particular quota to the Local Bodies. Therefore, Government is thinking of removing the restriction and give it to the Local Bodies. If that is done, this is one of the best methods.

Sir, I do not think Mr. Mallaradhya should have objected Section 72 so strongly—he said the section was immoral. It can only affect a very handful people who are the greatest hinderance for the development of the City planning. Sir, there is one legislation in Bombay which is very rigidly enforced, prosecuting any man who bifurcates a plot of land. It is going on here. Now, we have thought of bulk acquisition in two miles belt area. It is the middle man who is making money. There are certain touts and agents who are minting money and the benefit neither goes to the owner nor the purchaser. Practically, when we go to take over a land, we find that there will no space for roads and other amenities. All this is because the innocent people are not correctly lead. Section 72 remove all this. Of all the provisions in this Bill, I whole-heartedly support this provision.

Sir, this House is not the only House which has taken up this measure. There are two other places. In U.P. we have a similar provision. Even in Andhra we have a similar provision. The year also synchronises with the provisions—1956. It has been adopted without question. Here also, the value of land has gone since integration. There is no doubt, it has doubled and it is now possibly three times. For what reason? It is on account of middle men going round and canvassing the old Mysore people will certainly be denied their legitimate due. Therefore I feel this is a very salutary provision which ought to find a place in the Bill and I have no hesitation in whole-heartedly welcome this measure.

†ಶ್ರೀ ಬಿ. ಎಸ್. ನಾರಾಯಣಸ್ವಾಮಿ (ಮುಳಬಾಗಿಲು).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಬಹು ಕಾಲದಿಂದಲೂ ನಿರೀಕ್ಷಿಸಿದ್ದ ಈ ಮಸೂದೆ ಈಗ ನಮ್ಮ ಹಸ್ತಗತವಾಗಿದ್ದಕ್ಕೆ ನಾನು ಬಹಳ ಸಂತೋಷಪಡುತ್ತೇನೆ. ಇದಕ್ಕಾಗಿ ಇರಾಜಿವಿವರನ್ನು ಬಹಳವಾಗಿ ವಂದಿಸುತ್ತೇನೆ. ನಂತರ ಮಾನ್ಯ ಸಚಿವರನ್ನು ವಂದಿಸುತ್ತೇನೆ. ನನಗೆ ತಿಳಿದ ಮಟ್ಟಿಗೆ ಈ ಮಸೂದೆ ಡ್ರಾಫ್ಟಾಗಿ ಮೂರು ವರ್ಷಗಳಾದುವು. ಪ್ಲಾನಿಂಗ್ ಡಿಪಾರ್ಟ್‌ಮೆಂಟಿನವರು ಯಾವ ರೆಜಿಸ್ಟ್ರೇಟರ್ ಆಗಲ ಅವರ ಮುಂದೆ ಬರತಕ್ಕ ಮಸೂದೆಗೆ ನಿಜವಾಗಿ ಬೆಂಬಲ ಕೊಡಬೇಕೆಂದು ಹೇಳಿದ್ದಾರೆ. ಆದರೆ ದುರಾದೃಷ್ಟದಿಂದ ರಾ ಡಿಪಾರ್ಟ್‌ಮೆಂಟಿನಲ್ಲಿ ಇಷ್ಟು ದಿವಸಗಳವರೆಗೂ ಕೊಳತು ಬಿದ್ದಹಾಗೆ ತಡವಾಗುತ್ತಿದ್ದಂತೆ ಈ ಮಸೂದೆಯನ್ನು ಈಗ ರಜನೆ ಮಾಡಲು ಮನಸ್ಸು ಮಾಡಿ ಸಚಿವರು ಹೊರಗೆ ತಂದಿದ್ದಾರೆ. ಅದಕ್ಕಾಗಿ ನಾನು ಮತ್ತೊಮ್ಮೆ ಅವರನ್ನು ವಂದಿಸುತ್ತೇನೆ. ನಾವು ರಾಷ್ಟ್ರಾಭಿವೃದ್ಧಿ ನಿರ್ಮಾಣ ಕಾರ್ಯದಲ್ಲಿ ತೊಡಗಿರುವಾಗ ಈ ಮಸೂದೆ ಹೆಚ್ಚುಗಾಡಿನ ಪ್ರದೇಶಕ್ಕೆ ಬಹಳ ಅವಶ್ಯಕವಾಗಿದೆ. ಈಗ ಯಾವ ಹಳ್ಳಿಯನ್ನು ನೋಡಿದರೂ ಅದು ಒಂದು ಅಪ್ರವೃತ್ತ ವಾದ ರೀತಿಯಲ್ಲಿ ಬೆಳೆದುಕೊಳ್ಳುತ್ತಿದೆ. ಸುವ್ಯವಸ್ಥಿತವಾದ ಕ್ರಮಗಳು ಸಾಕಷ್ಟು ಇಲ್ಲದೆ ಹಳ್ಳಿಗಳು ಹಳ್ಳಿಗಳಾಗಿಯೇ ಉಳಿದಿವೆ. ಅದನ್ನೆಲ್ಲಾ ಸರಿಪಡಿಸಿ ಹಳ್ಳಿಗಳನ್ನು ಕೂಡ ಒಂದು ಸಣ್ಣ ಪಟ್ಟಣ ಅಥವಾ ಟೌನ್ ತರಹ ಮಾರ್ಪಡಿಸಲು ಬಹು ಮುಖ್ಯವಾದ ಮತ್ತು ತುಂಬಾ ಅವಶ್ಯಕವಾದಂತಹ ಈ ಮಸೂದಾಕಾನೂನನ್ನು ತಂದಿರುವುದು ಬಹು ಶುಭ ಸೂಚಕ ವಾದುದೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ. ಆದರೆ ಅದನ್ನು ಕಾರ್ಯಗತಮಾಡುವುದರಲ್ಲಿ ಸರ್ಕಾರದವರು ಎಷ್ಟರಮಟ್ಟಿಗೆ ಫಲಕಾರಿಯಾಗುತ್ತಾರೆಂಬ ವಿಷಯದಲ್ಲಿ ನನಗೆ ಸ್ವಲ್ಪ ಸಂಶಯವಿದೆ. ಮಾನ್ಯ ಶ್ರೀ ಮಲ್ಲಾರಾಧ್ಯರು ಮೊದಲೇ ಎಲ್ಲಾ ವಿಷಯಗಳನ್ನು ಹೇಳಿದ್ದಾರೆ. ಅದಕ್ಕಿಂತ ಹೆಚ್ಚಿಗೆ ನಾನು ಹೇಳಲು ಬಯಸುವುದಿಲ್ಲ. ಈ ಸಂದರ್ಭದಲ್ಲಿ ನಾನು ಒಂದೆರಡು ಮಾತುಗಳನ್ನು ಹೇಳಬೇಕಾಗಿದೆ. ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳಿಗೆ ಈ ಜವಾಬ್ದಾರಿಯನ್ನು ವಹಿಸುತ್ತೀರಿ. ಕೇವಲ ಮುನಿಸಿಪಾಲಿಟಿಗಳಲ್ಲಿ ಈ ಶಕ್ತಿ ಇಲ್ಲವೆಂದು ಹೇಳುತ್ತೇನೆ. ಇನ್ನೊಂದು ಕಡೆ ನೋಡಿದರೆ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಗಳು ಎಷ್ಟರಮಟ್ಟಿಗೆ ಕೆಲಸ ಮಾಡುತ್ತಿವೆ, ಯಾವ ರೀತಿ ಕಾರ್ಯ ನಿರ್ವಾಹಣೆಗೆ ಶಕ್ತಿಯನ್ನು ಹೊಂದಿವೆ ಎಂಬುದನ್ನು ಕೇಳಬೇಕಾಗಿದೆ. ಮಾನ್ಯ ಶ್ರೀ ದೀನದಯಾಳು ನಾಯ್ಡು ಅವರು ಟ್ರಸ್ಟ್‌ಬೋರ್ಡ್ ಚೇರ್ಮನ್‌ರಾಗಿದ್ದಾರೆ. ಅವರೂ ಸಹ ಹಳ್ಳಿಗಳನ್ನು ಪಟ್ಟಣಗಳಂತೆ ತರಬೇಕೆಂದೂ ಅದಕ್ಕಾಗಿ ಸರ್ಕಾರದವರು ಹೆಚ್ಚಿಗೆ ಗಮನಕೊಡಬೇಕೆಂದೂ ಹೇಳಿದ್ದಾರೆ. ಅವರ ಪೂರ್ಣ ಉದ್ದೇಶವನ್ನು ಸರ್ಕಾರದವರು ಸಫಲಗೊಳಿಸಬೇಕೆಂದು ನಾನು ಸೂಚನೆ ಮಾಡುತ್ತೇನೆ. ಒಟ್ಟಿನಲ್ಲಿ ಈ ಮಸೂದೆಯನ್ನು ಬಹಳ ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಬೇಕಾಗಿದೆ. ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಈ ವಿಷಯದ ಬಗ್ಗೆ ಸರ್ಕಾರದ ತೀರ್ಮಾನವನ್ನು ಈಗಲೇ ತಿಳಿಸಿದರೆ ಮಾನ್ಯ ಸದಸ್ಯರಿಗೆ ಹೆಚ್ಚಿನ ಸಂತೋಷ ಉಂಟಾಗುತ್ತದೆ. ಏಕೆಂದರೆ ಅನೇಕ ವಿಷಯಗಳನ್ನು ನನ್ನ ಮಾನ್ಯ ಸ್ನೇಹಿತರು ಈಗಲೇ ತಿಳಿಸಿದ್ದಾರೆ. ಆದರೆ ಅವರಿಗೆ ವ್ಯಾಪೋಕ ದೃಷ್ಟಿಯಿಂದ ನೋಡತಕ್ಕವು ಒಂದೆರಡು ಅಂಶಗಳಿವೆ. 72ನೇ ಕ್ಲಾಜು ಪ್ರಕಾರ ಆಕ್ಟಿನಿಷ್ ಆಕ್ಟ್ 23ನೇ ಸೆಕ್ಷನ್‌ನ್ನು ಇಲ್ಲಿ ಸೂಕ್ತ ಬದಲಾವಣೆ ಮಾಡಬೇಕು ಎಂಬುದಾಗಿ ಹೇಳಿದೆ. ಈ ವಿಚಾರದಲ್ಲಿ ಶ್ರೀಮಾನ್ ದೀನದಯಾಳು ನಾಯ್ಡು ಅವರು ಬಹಳ ಚೆನ್ನಾಗಿ ಅವರ ಒಂದು ಅನುಭವ ದೃಷ್ಟಿಯಿಂದ ಹೇಳಿದ್ದಾರೆ. ಆದರೆ ಈ ಮಸೂದಾಕಾನೂನನ್ನು ಹೆಚ್ಚುಗಾರರಿಗೆ ಅನ್ವಯಿಸುತ್ತದೆಂಬ ಹಾಗೆ ಇದೆ. ಹೆಚ್ಚುಗಾರರಿಗೆ ಮಾತ್ರ ಇದು ಅನ್ವಯವಾಗಬಾರದು ಎಂಬ ದೃಷ್ಟಿಯಿಂದ ನಾನು ಸಲಹೆ ಮಾಡುತ್ತಿದ್ದೇನೆ. ರ್ಯಾಂಡ್ ಆಕ್ಟಿನಿಷ್ ಆಕ್ಟ್ ಕ್ಲಾಜ್ (23) (1) ಸೆಕ್ಷನ್ 6ರ ಪ್ರಕಾರ ನೋಟಿಫಿಕೇಷನ್ ಆದ ತಾರೀಖಿನಲ್ಲಿ ಯಾವುದೊಂದು ಬೆರೆ ಇದೆಯೋ ಆ ಬೆರೆಗೆ ಕೊಡಬೇಕೆಂದು ರ್ಯಾಂಡ್ ಆಕ್ಟಿನಿಷ್ ಆಕ್ಟ್‌ನಲ್ಲಿದೆ. ಈಚೆಗೆ ಅನೇಕ ಕೇಸುಗಳಲ್ಲಿ ಪೊಲೀಸ್‌ಮನ್ ವ್ಯಾಲ್ಯು ಕೊಡಬೇಕೆಂದು ಹೇಳಿದ್ದಾರೆ. ಆ ಪ್ರಕಾರ ಕೊಟ್ಟಿದ್ದೀರಿ. ಇವತ್ತು ಹಿಗಿರಬೇಕಾದರೆ ಈ ಮಸೂದೆಯು ಪ್ರಕಾರ ಮಾರ್ಕೆಟ್ ವ್ಯಾಲ್ಯು

(ಶ್ರೀ ಬಿ. ಎಸ್. ನಾರಾಯಣಸ್ವಾಮಿ)

on the 1st November 1956ರಲ್ಲಿ ಇದ್ದಂತೆ ಇರಬೇಕು ಎಂದು ಹೇಳಿದ್ದೀರಿ. ಇದು ಸಮ್ಮತವೇ, ನ್ಯಾಯವೇ ? 56ರಿಂದೀಚೆಗೆ 62ರಲ್ಲಿ ನಾವು ಈಗ ಇದ್ದೇವೆ. ಮುಂದೆ ಭೂಮಿಯನ್ನು ಪಡೆಯುವುದಕ್ಕೆ ಯಾವ ವರ್ಷ ಬೇಕಾದರೂ ಆಗಬಹುದು. 10 ವರ್ಷಗಳಾದರೂ ಆಗಬಹುದು, 20 ವರ್ಷಗಳಾದರೂ ಆಗಬಹುದು. ಅಂದಮೇಲೆ ಹಿಂದಿನ ಕಾಲದ ಧಾರಣೆಯನ್ನು ಕೊಡಬೇಕೆಂದು ಹೇಳುವುದು ನ್ಯಾಯವಲ್ಲ ; ಧರ್ಮವಲ್ಲ ಅದರ ಜೊತೆಗೆ ಕ್ಲಾಜ್ (60) ರಲ್ಲಿ ಪ್ರಾವೀಣೀ ವಿನಿದೆ. ಅದರ ಪ್ರಕಾರ ಯಾವ ತಾರೀಖಿನಲ್ಲಿ ಈ ಅಭಿಪ್ರಾಯವನ್ನು ಹೊರಗೆಡ ಹುತ್ತಾರೋ ಅಂದಿನಿಂದ ಈ ಮನೂದೆಯನ್ನು ಗಣನೆಗೆ ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ಹೇಳಿದ್ದಾರೆ. ಅದರ ಜೊತೆಗೆ ಕ್ಲಾಜ್ 71ರಲ್ಲಿ ಹೇಳಿರುವ ಪ್ರಕಾರ ಒಂದು ಸ್ಕ್ರೀಮಿಗೆ ಒಳಪಟ್ಟಿರ ತಕ್ಕ ಒಂದು ಪ್ರದೇಶವನ್ನು ಯಾವುದಾದರೂ ಒಂದು ಸಾರ್ವಜನಿಕ ಕೆಲಸಕ್ಕೆ ಉಪಯೋಗ ಮಾಡುವಾಗ ರ್ಯಾಂಡ್ ಅಕ್ವಿಸಿಷನ್ ಆಕ್ಟ್ ಜಾರಿಗೆ ಬರುತ್ತದೆ. ಅದರ ಪ್ರಕಾರ ಕೋರ್ಟುಗಳ ತೀರ್ಮಾನದಂತೆ ಮತ್ತು ಕಾನೂನು ಪ್ರಕಾರ ಪೊಟೆನ್ಸಿಯಲ್ ವ್ಯಾಲ್ಯು ರೀತಿಯಲ್ಲಿ ಕೊಡುವುದು ಒಂದು ಈ ಮನೂದಾ ಕಾನೂನು ಪ್ರಕಾರ 1956ನೇ ಇಸವಿಯಲ್ಲಿದ್ದಂತಹ ಧಾರಣೆಯನ್ನು ಕೊಡಬೇಕೆಂದು ಬೇರೆ ಹೇಳಿದ್ದೀರಿ. ಇದರಿಂದಲೇ ಈಗ ಪರಸ್ಪರ ವಿರೋಧಾಭಿಪ್ರಾಯವಾಗಿದೆ. ಇದನ್ನು ಸರಿದೂಗಿಸಿ, ರ್ಯಾಂಡ್ ಅಕ್ವಿಸಿಷನ್ ಆಕ್ಟ್ ನಲ್ಲಿ ಕಂಪನ್ಸೇಷನ್ ಕೊಡುವ ನೀತಿ ಹೇಳಿರುವ ಹಾಗೆ ಇದರಲ್ಲಿಯೂ ಅಂಗೀಕರಿಸಬೇಕೆಂದು ಹೇಳಿ ನನ್ನ ಈ ಸೂಚನೆಯ ಮೂಲಕ ಈ ಮನೂದೆಯನ್ನು ಸಮರ್ಪಿಸುತ್ತೇನೆ.

(Sri G. VENKATAI GOWDA rose)

Mr. SPEAKER.—There is no time for any one to speak unless the time is extended. If he wants to speak, he must move a motion.

Sri J. B. MALLARADHYA.—Sir, I move :

“That the time allotted for this Bill be extended up to

5-30 P.M.”

Mr. SPEAKER.—The question is :

“That the time allotted for this Bill be extended up to 5-30 P.M.”

*The motion was adopted.*

†Sri G. VENKATAI GOWDA (Palaiyam).—For that point of view this is a welcome measure, but I wonder whether Government will be in a position to enforce the several provisions of this measure. I am doubtful whether the local bodies are capable of implementing the several provisions expected of them under this enactment because no provision has been made to find finances to implement these schemes by the planning authorities. There is a corresponding provision in the Madras Town Planning Act, Section 31. If the Government thinks that the contribution derived from the beneficiaries would meet the financial commitments, I am doubtful whether the planning authorities will be able to derive the necessary contribution from the beneficiaries. Under Section 31 of the corresponding Madras Act there is provision for a Municipal Town Planning Fund from which all expenses are to be defrayed.

I wish such a provision had been made in this Bill also to give an impetus to the planning authority to take up the schemes. Unless they are given substantial financial help I do not think they will be able to enforce these provisions.

Much has been said about Clause 72. I welcome the arguments advanced by my friend Sri Deenadayalu Naidu, but we have got to see the constitutional point whether it will not be discriminatory to allow the question of compensation being determined in one way so far as matters coming under this Act are concerned and to allow it to be determined in another way for matters coming under the Land Acquisition Act for other purposes because in the latter case the prevailing market value will be paid whereas in the former case you have provided for compensation on the basis of the value prevailing on 1st November 1956. In this matter what the Law Commission of India has to say is this "Two points to be noticed in this sub-clause are first that the basis for determining compensation is the market value of the land and secondly that the crucial date for the determination of the market value is the date of publication of the notification under Section 4. The date so fixed is in our view appropriate and needs no alteration." Therefore, are we entitled to make a provision for the determination of the market value on a day other than that contemplated under the Land Acquisition Act? Here it is said that the Market value on 1st November 1956 would be given. Would it not amount to discrimination. This constitutional point may be examined as otherwise this Act may be challenged.

Coming to Clause 59, the proviso to this clause would *nullify* any steps taken towards fulfilling these schemes. Even if a municipality wants to take up a scheme, the proviso will come in its way and so I request the Minister to examine this and see if it is possible to delete it.

So far as contribution towards the cost of the scheme is concerned, my friend Sri Narasimhan wanted to know why the full benefit derived by the owners should not be taken from them. Though there is some force in that argument, I would submit that at least the owner must be left with some percentage of the benefit derived out of the scheme. Here it is said that no such contribution shall exceed one-third of the benefit. Even if the full benefit is taken away, no injustice will be done, but it may be 50 per cent as in the Bombay Act or it may be even 75 per cent.

So far as Clause 50 (2) is concerned, I do not understand in what sense it is said that the cost of the scheme, if it is varied or revoked, shall be paid by the owner concerned to the planning authority. Why should the owner concerned pay the extra cost incurred in respect of variation or revocation of the scheme? He is not responsible for it. On the other hand, money is to be taken from those people who are actually responsible for the variation or revocation. So I am suggesting for the deletion of the words that the owner shall be liable to pay this.



(Sri G. VENKATAI GOWDA)

I do not want to take much time. I endorse the views expressed by my friends here and I hope the Government will do its best to see that the several schemes are enforced as a result of which we would be having a healthier and happier environment.

†Sri T. SUBRAMANYA.—Sir, I am very thankful to all the Hon'ble Members who have participated in the debate for the co-operation they have given in trying to pass Bill to-day. I am grateful to them for the way they have welcomed this Bill. I can assure the Leader of the Opposition that there will be no politics brought in either in appointing the court or in carrying out the provisions of this enactment. The fact that we have announced a Committee shows that we are not actuated by any political motives in these development schemes and in trying to implement the various provisions of this enactment. Recently we have announced the appointment of Dewan Bahadur Madhava Rao Committee for the purpose of helping drawing up a master plan. Except one man there is no other politician belonging to any political party in this Committee.

4-30 P.M.

Technicians have been placed in that committee. This must dispel any fear that might exist in the minds of my friends that politics will come to play in these matters.

The next point that I would like to deal is about Clause 72. This clause tries to displace Section 23 of the Land Acquisition Act. There the compensation to be awarded to the man whose land is being acquired is the market value on the date of the preliminary notification. Here we have put the ceiling to the value that prevailed on the 1st of November 1956. The first point to be clarified in this regard is whether it is constitutional or not. It is constitutional. We have examined it very carefully and several other State Governments have fixed the ceiling at prices which prevailed much earlier than the enactments themselves. For example in Bombay City, it is fixed at 1947 levels. In U.P. it is fixed at 1956 and in Orissa at 1956. The Ministers conference which was held recently in Hyderabad have said land ceiling values in Municipal Areas must be fixed and it should not be allowed to soar high. Our efforts at town planning will be defeated if we begin to give the market value. The moment we say market value would be paid, the price goes on increasing day by day without any notice and we will not be able to implement the enactment. Therefore we have fixed 1956 as the date at which prices will be sealed. I understand that this too long back a period, 5 or 6 years. I am prepared by mutual agreement to change it to 1958, if the Leader of the Opposition agrees to it.

Sri M. R. PATIL.—That argument cannot apply to the rural areas. That would result in injustice. It is all right with growing cities.



Sri T. SUBRAMANYA.—Whether it is a village or a town, if we want real planning, the lands should not be purchased at a very high rate. It should be purchased only at some reasonable rate and I consider 1956 price as reasonable. Even if it is a village where land is required for the purpose of development, the compensation shall be only at 1956 prices and not more.

Mr. SPEAKER.—The House will now rise and meet after half-an-hour.

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*The House adjourned for recess at Thirty-Five Minutes past Four of the Clock and reassembled at Ten Minutes past Five of the Clock.*

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[Mr. SPEAKER in the Chair.]

Sri T. SUBRAMANYA.—Sir, with regard to clause 50(2), suppose there is a scheme. If in that scheme the residential zone is converted into a commercial shop, naturally the value increases.

If that scheme is revoked, if the benefit accrues to the owner, the owner will have to pay. If it accrues to the benefit of the planning authority, then the planning authority will have to pay. If by the revocation of the scheme, benefit is accrued to the owner of the property, then he will have to pay if it is revoked. If by revocation the benefit accrues to the planning authority, the planning authority will have to pay. Government will not ask the owner to pay a portion of the cost injudiciously. They will use their discretion judiciously and find out whether the owner has profited by the scheme being revoked. If the scheme is revoked and it is to his benefit, then he will have to pay. That is what we have said.

Now with regard to section 57, contribution towards the cost of the scheme, we will have to take it with reference to section 18. Mr. Narasimhan wanted to know whether it is in addition to what is being paid under section 18 and it is only this or that in the alternative. I say it is both because section 18, if you will have the patience to go through it, will say :

“Where permission for a change in the use or development of any land or building is granted under section 15 or section 16, and such change or development is capable of yielding a better income to the owner, the Planning Authority may levy a prescribed fee not exceeding one-third...”

This refers to the potential increment in the value of the property. That relates to the income from the property and they will have to pay both.

With regard to the point raised by Mr. Narayanaswamy, in clause 60 market value is sought to be given for any injury done.

(Sri T. SUBRAMANYA)

"Compensation in respect of property or right injuriously affected by scheme.—The owner of any property or right which is injuriously affected by the making of a Town Planning scheme shall, if he makes a claim before the Town Planning Officer within the prescribed time, be entitled to obtain compensation in respect thereof..."

For example, if a commercial street is converted into a residential street and the man is injuriously affected, he has to be paid for the right that he had in the house; he has to be paid market value. This is not for acquisition of property at all.

With regard to the power to acquire property from the Planning Authority, section 71 says :

"If at any time the State Government is of opinion that any land included in a Town Planning Scheme is needed for a public purpose other than that for which it is included in the scheme, it may take a declaration to that effect in the official Gazette in the manner..."

There also Government will have to pay market value for the property to the planning authority. The Planning Authority takes the property and is in possession and the Government requires it for some purpose other than the one for which it was acquired, the Government will have to pay the market value. So far as Section 60 is concerned, there is absolutely no contradiction at all. We think Government will have to pay market value or if the value which prevailed in 1956 will be further examined and if need, an amendment is made later on. But at present there is no necessity so far as this is concerned.

Now with regard to the market fee, I have said if our friends agree and move an amendment, I have no objection to say in section 72 'the market value on the first day of November 1958' two years later. On page 40 also.

"On the publication of a declaration under sub-section (1) the Deputy Commissioner shall proceed to take order for the acquisition of the land..."

I said that this needs further examination because the Government has to pay the market value or the value which prevailed in 1956. I invite the attention of Honourable Members to sub-clause (2) of clause 71 on page 40 :

"On the publication of a declaration under sub-section (1), the Deputy Commissioner shall proceed to take order for the acquisition of the land and the provisions of the Land Acquisition Act, 1894, as amended by section 72 of this Act, shall, so far as may be, apply to the acquisition of the said land."

Therefore, there is no contradiction and I submit that this may be accepted by the House.

Mr. SPEAKER.—The question is:

“That the Mysore Town and Country Planning Bill, 1961 be taken into consideration.”

*The motion was adopted.*

Mr. SPEAKER.—Now the Bill will be read clause by clause. I would like to know whether Sri M. R. Patil and Sri V. P. Dheendayal Naidu would like to move their amendments.

Sri M. R. PATIL.—I am not moving my amendment.

Sri V. P. DEENDAYAL NAIDU.—I am also not moving the amendment.

Mr. SPEAKER.—Clauses 2 to 83, both inclusive.

The question is:

“That Clauses 2 to 83, both inclusive, stand part of the Bill.”

*The motion was adopted.*

Clauses 2 to 83, both inclusive, were added to the Bill.

Mr. SPEAKER.—Clause 1, the Preamble and the Short Title.

The question is:

“That Clause 1, the Preamble and the Short Title stand part of the Bill.”

*The motion was adopted.*

Clause 1, the Preamble and the Short Title were added to the Bill.

*Motion to pass.*

Sri T. SUBRAMANYA.—Sir, I beg to move:

“That the Mysore Town and Country Planning Bill, 1961 be passed.”

Mr. SEAKER.—The question is:

“That the Mysore Town and Country Planning Bill, 1961 be passed.”

*The motion was adopted.*

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